

# HOUSE BILL 106

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CF SB 248

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By: **Delegates Dumais, Rosenberg, Anderson, Barnes, Carter, Conaway, Frush, Gutierrez, Ivey, Jones, Lafferty, Lee, Levi, Oaks, Simmons, Valderrama, and Waldstreicher**

Introduced and read first time: January 15, 2010

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Civil Cases – Maryland Legal Services Corporation Fund** ~~– Surcharges~~

3 FOR the purpose of altering a certain surcharge on certain fees, charges, and costs in  
4 certain civil cases in the circuit courts and the District Court; requiring the  
5 executive director of the Maryland Legal Services Corporation to prepare a  
6 budget for the Corporation; requiring a certain informational budget to be  
7 submitted to the General Assembly in conjunction with the budget of the  
8 Judicial Branch of the State Government; providing for the termination of this  
9 Act; making a stylistic change; and generally relating to ~~certain surcharges~~  
10 deposited into the Maryland Legal Services Corporation Fund.

11 BY repealing and reenacting, with amendments,  
12 Article – Courts and Judicial Proceedings  
13 Section 7–202(a)(1) and (d) and 7–301(c)  
14 Annotated Code of Maryland  
15 (2006 Replacement Volume and 2009 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article – Courts and Judicial Proceedings  
18 Section 7–202(e)  
19 Annotated Code of Maryland  
20 (2006 Replacement Volume and 2009 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to  
 2 Article – Human Services  
 3 Section 11–208  
 4 Annotated Code of Maryland  
 5 (2007 Volume and 2009 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – Courts and Judicial Proceedings**

9 7–202.

10 (a) (1) **(I)** The State Court Administrator shall determine the amount  
 11 of all court costs and charges for the circuit courts of the counties with the approval of  
 12 the Board of Public Works.

13 **(II)** The fees and charges shall be uniform throughout the State.

14 (d) The State Court Administrator, as part of the Administrator's  
 15 determination of the amount of court costs and charges in civil cases, shall assess a  
 16 surcharge that:

17 (1) May not be more than ~~[\$25]~~ ~~\$70~~ \$50 per case; and

18 (2) Shall be deposited into the Maryland Legal Services Corporation  
 19 Fund established under § 11–402 of the Human Services Article.

20 (e) If a party in a proceeding feels aggrieved by any fee permitted under this  
 21 subtitle or by §§ 3–601 through 3–603 of the Real Property Article, the party may  
 22 request a judge of that circuit court to determine the reasonableness of the fee.

23 7–301.

24 (c) (1) The filing fees and costs in a civil case are those prescribed by law  
 25 subject to modification by law, rule, or administrative regulation.

26 (2) The Chief Judge of the District Court shall assess a surcharge that:

27 (i) May not be more than:

28 1. ~~[\$5]~~ ~~\$10~~ \$7 per summary ejectment case; and

29 2. ~~[\$10]~~ ~~\$20~~ \$15 per case for all other civil cases; and

30 (ii) Shall be deposited into the Maryland Legal Services  
 31 Corporation Fund established under § 11–402 of the Human Services Article.

1 (3) The Court of Appeals may provide by rule for waiver of  
2 prepayment of filing fees and other costs in cases of indigency.

3 Article – Human Services

4 11-208.

5 (A) THE EXECUTIVE DIRECTOR SHALL PREPARE AN ANNUAL BUDGET  
6 FOR THE CORPORATION.

7 (B) (1) FOR INFORMATIONAL PURPOSES ONLY, THE CORPORATION  
8 SHALL SUBMIT ITS BUDGET TO THE GENERAL ASSEMBLY IN CONJUNCTION  
9 WITH THE BUDGET REQUEST OF THE JUDICIAL BRANCH OF THE STATE  
10 GOVERNMENT ON NOVEMBER 1 OF EACH YEAR.

11 (2) THE INFORMATIONAL BUDGET REQUIRED UNDER THIS  
12 SUBSECTION SHALL INCLUDE 3 YEARS OF DATA, INCLUDING THE MOST  
13 RECENTLY COMPLETED FISCAL YEAR, AN ESTIMATE FOR THE CURRENT FISCAL  
14 YEAR, AND AN ESTIMATE FOR THE NEXT FISCAL YEAR, INCLUDING:

15 (I) A SUMMARY OF TOTAL EXPENDITURES AND THE  
16 SOURCES OF REVENUE THAT SUPPORT THAT SPENDING;

17 (II) LINE ITEM EXPENDITURE DETAIL FOR PERSONNEL,  
18 OPERATING EXPENSES, AND GRANTS, INCLUDING INDIVIDUAL GRANTEES;

19 (III) NARRATIVE EXPLANATION OF ALL REVENUE AND  
20 SPENDING CHANGES BETWEEN THE CURRENT FISCAL YEAR AND THE NEXT  
21 FISCAL YEAR;

22 (IV) PERFORMANCE MEASUREMENT DATA THAT DETAILS  
23 THE USE OF FUNDS; AND

24 (V) DETAIL ON THE CORPORATION'S RESERVE FUND,  
25 INCLUDING ACTUAL AND ESTIMATED END OF FISCAL YEAR BALANCES,  
26 TRANSFERS TO AND FROM THE RESERVE FUND, AND THE POLICIES GOVERNING  
27 THE RESERVE FUND.

28 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
29 ~~June 1, 2010.~~

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 July 1, 2010. It shall remain effective for a period of 3 years and, at the end of June 30,

1 2013, with no further action required by the General Assembly, this Act shall be  
2 abrogated and of no further force and effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.